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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,964	10/16/2006	Markus Roth	A8647PCT-UT	7420
43749 7590 10/05/2009 CHRISTOPHER PARADIES, PH.D. FOWLER WHITE BOGGS BANKER, P.A. 501 E KENNEDY BLVD, STE. 1900 TAMPA, FL 33602				
EXAMINER				
GARCIA, ERNESTO				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
10/05/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,964

**Applicant(s)**

ROTH ET AL.

**Examiner**

ERNESTO GARCIA

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 1-3 and 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 19, 2009 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

The drawings were received on August 19, 2009. These drawings are accepted. However, the drawings contain a discrepancy and not all drawing objections have been addressed.

The drawings are objected to because the cross-sectional view in Figure 3 is not an actual representation of the plane III-III shown in Figure 1. In particular, since the

cross-sectional plane passes through the cylindrical body 56 of the receiver 5, the cross-section of the cylindrical body is missing in Figure 3. The intermediate pin 55 in Figure 2 and 5 appears different than that shown in Figure 1. It appears that the pin 55 in Figure 1 should be closely shown as that in Figure 5. Further, reference character 5 in Figures 2 and 4 should be rather depicted with an arrow to depict the receiver as a whole. Currently, references 5 and 56 appear to rather point to the same part.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "locking device" recited in claim 2, line 2, and "the receiver including an anchor bracket and the U-shaped clamp is insertable in to the anchor bracket" recited in claim 8, lines 2-3.

### ***Claim Objections***

Claims 1-3 and 7-10 are objected to because of the following informalities:  
regarding claim 1, --to be-- should be inserted after "is" in line 18; and,  
regarding claims 1-3 and 7-10, the recitation "connection element" in line 1 is misconstrued since the claim is not really directed to just one element. Note that the claim lists several elements, i.e., the anchorage part, the insertion pin, the receiver, and the means for locking. The claimed invention rather appears to be a connection device or a connection apparatus. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 112***

Claims 1-3 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claim unclear. The preamble clearly indicated that the connection element is “for attaching a planiform or dish-shaped component to a supporting structure having a first retainer mounted on the supporting structure”. However, the body of the claim positively recites “the retainer”, e.g., “an anchorage part including a screw thread coupling the anchorage part with the first retainer” (lines 5-6), which indicates that the claims are being drawn to a combination of the “connection element” and “the first retainer” of the supporting structure. Accordingly, is the combination or subcombination being claimed? Appropriate correction, clarification, or both is required. For purposes of this Office action, the examiner has considered the first retainer as part of the connection element.

The recitation “in relation to a surface of the component”, in lines 6-7 and 11, is in reference to a component not claimed, i.e., the dish-shaped component. Note that any comparison has to be made relative to those components being claimed otherwise how

one would know whether the claimed is being infringed when the dish-shaped component is not present and the recitation is not satisfied. For purposes of this Office action, the examiner has considered the planiform or dish-shaped component as being part of the connection element to satisfy the comparison statement. The recitation "and is adjustably held and attachable in an XY-plane substantially perpendicularly in relation to the Z-translational direction" in lines 18-20 makes unclear how one adjustably holds and attaches the support to a Z-translational direction, which is merely a point of reference. Note that a Z-translation direction is merely a point of reference and not something physical where one can attach and hold things. The recitation "when activated" in line 22 makes unclear what actually activates the means for locking.

Regarding claim 7, the recitation "the retainer includes a retention plate" in lines 1-2 makes unclear whether the retainer is part of the connection element since claim 1, line 2 inferentially recites that the connection element is for attaching a planiform or dish-shaped component to a supporting structure having a first retainer, which indicates the connection element is intended to be attached to the supporting structure that has the first retainer. Accordingly, if the first retainer is not part of the connection element, then how does the recitation "the retainer includes a retention plate further limits the connection element.

Regarding claims 2, 3, and 8-10, the claims depend from claim 1 and therefore are indefinite.

***Allowable Subject Matter***

Claims 1-3 and 7-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

Applicant's arguments filed September 29, 2008 have been fully considered but they are not persuasive. In particular, note the 35 USC 112, 2<sup>nd</sup> paragraph, rejections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.



Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

October 5, 2009

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679